**IN THE HIGH COURT OF UTTARANCHAL AT NAINTAL**

**Writ Petition No. 275 of 2002 (M/B)**

M/s Lily Chemicals Pvt. Ltd.,
Lal Tappar, Mazri Mafi,
Dehradun,
Through its Director Sri Yogendra Chauhan,
S/o J.S. Chaunan,
R/o Mazri Mafi, Thana Doiwala, ……. Petitioner

**Versus**

1. Union of India,
Service through Secretary, Ministry of Labour,
Govt. of India, New Delhi.
2. Provident Fund Commissioner,
Niranjanpur, Saharanpur Road,
Dehradun.
3. Recovery Officer,
Asstt. Provident Fund Commissioner,
Regional Officer, Uttaranchal,
Dehradun. ……. Respondents

Mr. Niranjan Bhatt, Advocate for the petitioner.

**JUDGMENT**

**Coram: Hon. Rajeev Gupta, C.J.**
**Hon'ble M.M. Ghildiyal, J.**

**RAJEEV GUPTA, C.J. (Oral)**

Mr. Niranjan Bhatt, learned counsel for the petitioner.

None for the respondents.

2. The petitioner has filed this writ petition for the following reliefs:

> "I. to issue a writ in the nature of certiorari by quashing the recovery certificate which is annexed as Annexure no.1 to this writ petition.
>
> II. to issue any writ, in the nature of mandamus by directing to the respondents in the matters to review.
>
> III. to pay the cost of the writ.
>
> IV. to grant any other and further relief as this hon'ble court may deem fit and proper in the facts and circumstances of this case".

3. It is not in dispute that the petitioner has an alternative efficacious statutory remedy against Annexure 1 under Section 71 of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

4. As the petitioner has an alternative efficacious statutory remedy, we decline to exercise the writ jurisdiction under Article 226 of the Constitution of India.

5. The petitioner, if advised, may avail the statutory remedy available to the petitioner against the notice (Annexure 1).

6. With the above observation, the writ petition stands disposed of.

**(M.M. Ghildiyal, J.)** **(Rajeev Gupta, C. J.)**
**21.03.2006** **21.03.2006**

G